

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TREY STYLES,

Plaintiff,

v.

DONALD HOLBROOK,

Defendant.

CASE NO. 3:21-cv-05674-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S
COMPLAINT

In September 2021, Plaintiff filed three petitions seeking federal habeas corpus relief that have been docketed under this cause. (Dkt. Nos. 1, 4, 7.)

On October 1, 2021, this Court issued an order directing Plaintiff to show cause why this action should not be dismissed after concluding that Plaintiff's petitions, which challenge a 2011 conviction, were filed far beyond the one-year federal habeas statute of limitations and should be dismissed as time-barred. (Dkt. No. 9.) This Court also found that Plaintiff's petitions do not indicate that he presented his federal habeas claims fully and fairly to all state courts. including

1 the highest state court, rendering his claims unexhausted, and given the passage of time,
2 procedurally defaulted. (*Id.*)

3 On October 7, 2021, this Court granted Plaintiff's motion for an extension of time to
4 respond to its order to show cause. (Dkt. Nos. 10, 11.) Plaintiff did not respond.

5 On November 4, 2021, United States Magistrate Judge Brian A Tsuchida, finding that
6 Plaintiff had not responded to the Order to Show Cause, issued a report and recommendation
7 ("R&R") recommending that Plaintiff's complaint and this action be dismissed with prejudice.
8 (Dkt. No. 12.) Plaintiff failed to respond to the Court's order to show cause. Plaintiff has not
9 objected to Judge Tsuchida's R&R.

10 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of the
11 Honorable Brian A Tsuchida, United States Magistrate Judge, any objections thereto, and the
12 remaining record, hereby finds and ORDERS as follows:

13 (1) The Report and Recommendation is ADOPTED.

14 (2) This case is DISMISSED with prejudice. Issuance of a Certificate of Appealability is
15 DENIED.

16 (3) The Clerk is directed to send copies of this Order to the parties.

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18 Dated this 1st day of December, 2021.

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David G. Estudillo
United States District Judge